

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00205

Lawrence E Dixon,

Plaintiff,

v.

John McDaniel et al.,

Defendants.

ORDER

Plaintiff Lawrence E Dixon, a prisoner at the Texas Department of Criminal Justice, Correctional Institutions Division proceeding pro se, filed this lawsuit against defendant John McDaniel, among others, pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge K. Nicole Mitchell. The magistrate judge issued a report recommending that plaintiff's civil rights lawsuit be dismissed without prejudice as being barred by 28 U.S.C. § 1915(g) because Dixon has three strikes and cannot proceed under the *in forma pauperis* statute unless he shows that he was in imminent danger of serious physical injury as of the filing of the lawsuit. Doc. 8. No objections were filed to the magistrate judge's report.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's civil rights action is dismissed without prejudice, with refiling contingent upon payment of the full filing fee or a credible and specific showing of imminent danger of serious bodily injury. All pending motions which may be pending in this civil action are denied.

So ordered by the court on August 18, 2021.



J. CAMPBELL BARKER
United States District Judge